

Exhibit 49

Richard Kradin, M.D.

Crudge vs. Amcord, Inc.

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<p>IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF ALAMEDA</p> <p>--o0o--</p> <p>ROSALINO REYES and GEMMA REYES, Plaintiffs, vs. No. RG20052391 JOHNSON & JOHNSON, et al., Defendants.</p> <p>/</p> <p>TELEPHONIC DEPOSITION OF WILLIAM E. LONGO, Ph.D Volume II September 25, 2020</p> <p>Job No: 4272256 Taken before JANICE L. BELCHER CSR No. 12342 Pages: 79 - 248</p>	<p>INDEX</p> <p>PAGE</p> <p>EXAMINATION BY MR. HYNES 83</p> <p>EXHIBITS PAGE</p> <p>EXHIBIT 5A 9/23/20 Kazan Correspondence 83 EXHIBIT 5B Correspondence and Krekeler Report 83 EXHIBIT 18 Report, "Analysis of Johnson & Johnson Baby Powder and Valeant Shower to Shower Talc Products for Amphibole Asbestos, Chinese" 93 EXHIBIT 19 Report, "Rebuttal Expert Report, California Proposition 65, the Analysis of Chinese sourced Talcum Powder Used by Johnson & Johnson in their Baby Powder Products" 96 EXHIBIT 20 Citizen Depo Exhibit 30A 102 EXHIBIT 21 Citizen Depo Exhibit 30B 102 EXHIBIT 22 Weirick Calculation 103 EXHIBIT 23 Weirick Calculation 103 EXHIBIT 24 7/14/16 Seagrave Report 174 EXHIBIT 25 Sanchez Report 190 EXHIBIT 28 9/24/20 Revisions to Titley Report 143 EXHIBIT 29 11/11/19 Revision No. 2, AMA report 225 EXHIBIT 30 Article (Not provided to reporter.) 231 EXHIBIT 31 Print-Out from FDA Website 238</p>
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<p>TELEPHONIC DEPOSITION OF WILLIAM E. LONGO, Ph.D</p> <p>BE IT REMEMBERED, that pursuant to Notice, and on the 25th day of September, 2020, commencing at the hour of 8:02 a.m. Pacific Standard Time, telephonically before me, JANICE L. BELCHER, a Certified Shorthand Reporter, appeared WILLIAM E. LONGO, Ph.D, produced as a witness in said action, and being by me previously sworn, was thereupon examined as a witness in said cause.</p> <p>--o0o--</p> <p>TELEPHONIC APPEARANCES: For the Plaintiffs: HENRY A. STEINBERG Kazan, McClain, Satterley & Greenwood 55 Harrison Street, Suite 400 Oakland, California 94607 (877)995-6372 hsteinberg@kazanlaw.com</p> <p>For the Defendants Johnson & Johnson; Johnson & Johnson Consumer, Inc.; and Johnson & Johnson Philippines, Inc.: KEVIN HYNES King & Spalding, LLP 1185 Avenue of the Americas 34th Floor New York, New York 10036 (212)556-2100 khynes@kslaw.com</p>	<p>For the Defendant O'Reilly Auto Enterprises, LLC: ALEX TAHERI Hugo Parker, LLP 240 Stockton Street, 8th Floor San Francisco, California 94108 (415)940-4072 ataheri@hugoparker.com</p> <p>For the Defendants Longs Drug Stores California LLC, on behalf of Longs Drug Stores California, Inc.; Safeway, Inc.; and Lucky Stores, Inc.: MEREDITH WHITE Barnes & Thornburg, LLP 2029 Century Park East, Suite 300 Los Angeles, California 90067 (310)284-3884 meredith.white@btlaw.com</p>

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<p>1 WILLIAM E. LONGO, Ph.D, 2 previously sworn as a witness, 3 testified as follows: 4 5 EXAMINATION 6 BY MR. HYNES: 7 Q. Hi, Dr. Longo. How are you this morning? 8 A. Fine. 9 Q. Dr. Longo, just a reminder, you're still under 10 oath, this is a continuation of your deposition in the 11 Reyes matter, okay? 12 A. Right, I understand that. 13 MR. HYNES: Great. And for the housekeeping 14 before we pick up where we left off the last time 15 around, I have marked two letters from Counsel for 16 Plaintiffs, as Exhibits 5A and 5B. 17 (Exhibits 5A and 5B marked for identification.) 18 MR. HYNES: 5A is a September 23rd letter from 19 Maegan, M-A-E-G-A-N, Wilborn of the Kazan office 20 enclosing Dr. Longo's September 23rd, 2020, supplement 21 to the MAS project M71095, Janet Tiley's Johnson's Baby 22 Powder Container Split, as well as an October 2003 Brake 23 Shoe Box, a Workplace Study, and also noting that 24 today's deposition would begin at 10:00 a.m. Eastern 25 time.</p>	<p>1 5B, is a letter dated September 24th, 2020, 2 also from Maegan Wilborn at the Kazan office, linking to 3 Dr. Mark Krekeler's Rule 26 expert report from 2018 in 4 the New Jersey MDL. 5 BY MR. HYNES: 6 Q. Dr. Longo, have you reviewed Dr. Mark 7 Krekeler's deposition in this case? 8 A. Yes, and I reviewed it before, I had a copy of 9 it before for the MDL, that's where that -- I believe is 10 where I saw that report before. 11 Q. Okay. And so just to be clear, you did review 12 Mark Krekeler's deposition testimony in the Reyes case? 13 A. I didn't review the testimony, no. I just 14 looked at the report. I did note that Dr. Sanchez's 15 testimony on that Monday, from the Monday when I was 16 being deposed, so I reviewed all of that. 17 Q. Okay. Okay. And have you had any additional 18 communications with attorneys for Mr. Reyes, since the 19 Monday deposition? 20 A. Yes, sir. Joe Satterley called me yesterday, 21 or -- and said he was going to send me a number of J&J 22 documents on testing for the Korean talc, like EBA's 23 testing, Foley's testing, there's Macron in there, and 24 worldwide market documents, I think it's from NASHT from 25 about 1974 on testing that was done, the Consumer</p>
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<p>1 Council, I think it was in Japan, I've had that before, 2 and they sent me the Patel testing on the Korean talc, 3 but I already have that. And then that was it really. 4 Q. Okay. Do you have a list of those? 5 A. He sent me the Sanchez, he said they got a 6 transcript and I got that yesterday. 7 Q. Did he include a list of the documents that he 8 sent you yesterday along that phone call? 9 A. But I have them all printed out, take about 10 five minutes, I can go through them. 11 MR. HYNES: No need to walk through or read off 12 them. Counsel for -- Henry, we can request production 13 of those materials and reserve our right to continue the 14 deposition for questioning on those documents which were 15 provided to Dr. Longo, apparently yesterday, and not 16 disclosed to Defense Counsel until just now. 17 BY MR. HYNES: 18 Q. Dr. Longo, have you had any additional 19 communications with experts for plaintiffs in this case, 20 regarding this case, whether that's Dr. Madigan, 21 Dr. Compton, Dr. Krekeler, Lee Poye or Dr. Egilman? 22 A. No, sir. 23 MR. STEINBERG: I'm going to jump in. I 24 apologize, my phone was on mute. We can meet and 25 confer, of course, these are J&J documents. J&J is</p>	<p>1 aware of its own documents, these documents have been at 2 issue in other cases so there should be no surprise to 3 J&J, but of course we can met and confer. 4 MR. HYNES: Thanks, Henry. The issue is 5 Dr. Longo's review, reliance and opinions related to 6 those documents, and we were not aware that Dr. Longo 7 had reviewed those documents or may have formulated 8 opinions regarding those documents, which we would have 9 been keyed into had we been provided with information 10 that he had been provided with those documents, but so 11 yes, this is something we can meet and confer about. 12 MR. STEINBERG: I'm going to reserve further 13 response to off-the-record time. 14 BY MR. HYNES: 15 Q. Dr. Longo, we were talking about Exhibit 17 16 when we left off the last time around. This is the 17 June 2019 Revision No. 1, for the baby diapering study 18 No. 2; are you with me? 19 A. I am with you. 20 Q. Okay. And we were talking when we left off 21 about some PLM analyses that were performed on several 22 of the Round 1 samples. We had bench sheet for sample 23 M65329-041 and a chain of custody form that suggested 24 that in addition to that sample, sample M65329-043, and 25 013 had also then analyzed that PLM. Do you recall the</p>

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1 tremolite-actinolite detected and no cleavage fragment.
2 If we go to the second sample, 002, there's
3 nothing detected in the ISO, but the Blount method does
4 have actinolite/tremolite observed, it's on the PLM
5 sheet, and actinolite tremolite cleavage fragments, and
6 I have the dispersion staining for 1, 2, 3, 4 -- 4
7 different tremolite-actinolite structures, and I have to
8 go back and research because this was actually Chinese.
9 This would be the first time we ever found amphibole
10 asbestos in a Chinese sample. Every other Blount sample
11 that we've ever done in a product, not only Johnson &
12 Johnson, but Chanel and others, were Chinese, the Blount
13 method has always been negative. So it's interesting to
14 me.

15 But, the error is mine. The PLM analysis shows
16 that the Blount was positive for Sample 2 and negative
17 for Sample 1, so I have to do a supplement on this.

18 MR. HYNES: Okay. All right. Couple things.
19 First off, with respect to my question about PLM
20 analysis, I'll object to the nonresponsive portions and
21 move to strike.

22 On the Korean or Philippine container data, we
23 request production of that data, I will ask you a few
24 questions about that momentarily.

25 //

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1 BY MR. HYNES:

2 Q. But first, you mentioned that in order to see
3 something that -- in order to see chrysotile PLM in one
4 of these cosmetic talc preparations, an analyst needs to
5 have appropriate to training in order to see it, and my
6 question is to you is, the person who is performing this
7 PLM analysis for the 72 samples that we're talking about
8 that we're part of Exhibit No. 11, was that mainly or
9 entirely Paul Hess?

10 A. That was entirely Paul Hess.

11 Q. Okay. How many years of experience does he
12 have analyzing materials like PLM?

13 A. 30 years.

14 Q. Okay. And is it your testimony that in 2018,
15 when he was performing those PLM analyses on the 72
16 samples with refractive index oil of 1.550, he would not
17 have adequate training or experience to identify
18 chrysotile if it was present in those 72 samples?

19 A. No. You're taking it out of context. We never
20 we're analyzing for chrysotile, and you can't take this
21 10 to 20 minute just verify that the fibrous talc is
22 there, that we were analyzing the sample in 1.550.

23 Cosmetic talcs are milled extensively. Our
24 second analyst that we did train, he has over 30 years
25 experience, and when he took the McCrone cards, it was

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1 back in the time when Walter McCrone taught it himself,
2 and they were dealing with asbestos added products,
3 where the chrysotile is these very large bundles, you
4 know, like the silly examples that Dr. Sanchez uses when
5 he says this is what it ought to look like.

6 It wasn't until we started, we looked at the
7 calidria and used that as a standard where the analyst
8 now knew that it had asbestos in it, but the Calidria
9 bundles, the size ranges in there are very similar to
10 the size ranges of the chrysotile in the sample. So
11 they had to know what to look for. And I don't think,
12 and so we could train any analyst and they would have to
13 have decades of experience. And of course you have to
14 have the kind of setup we have with our PLM scopes, so
15 this is reproducible.

16 But those MDL samples, to say we looked at them
17 in 1.550 and didn't find chrysotile, you know, that's a
18 misrepresentation of what happened.

19 Q. With respect to the Korean or the Philippine
20 market containers, so you're saying that the table I'm
21 looking at, Exhibit 10, page 8, Table 1, if we look at
22 that, so the narrative above where -- I guess, let's
23 start there, let's start at the narrative.

24 Page 3 of 15, the narrative discussing sample
25 002, specifically notes, the second sentence there

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1 reads: The Blount, slash, PLM with heavy liquid
2 separation was also non-detect for both amphibole
3 asbestos and cleavage fragment, period.

4 So it's your testimony that that is not
5 accurate; is that correct?

6 A. That is not accurate. I screwed this report
7 up. The analytical data shows that 001 was below
8 detection of Blount, and 002 tremolite-actinolite
9 bundles were detected, observed, and photographed. So
10 the original data always trumps anything that I have
11 written.

12 I can fix this pretty quickly and then send it
13 to my client. I don't know what time we're going to get
14 done, but I've just got to change that and -- and then
15 send it to my client, unless we go --

16 Q. So --

17 A. -- then you'll have to wait 'til Monday.

18 Q. So No. 1 is not accurate then, right?

19 A. Table 1, Table 1 is not accurate. Table 1
20 should read -- essentially Table 1 needs to be reserved
21 on the Blount.

22 Q. Okay. Who did the quality control for this
23 report?

24 A. On reading the report itself?

25 Q. On reading the report and making sure that the

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<p>1 Q. Okay. So it seems like according to this</p> <p>2 sheet, those three aliquots of sample D58 were prepared</p> <p>3 on August 30, 2019, right?</p> <p>4 A. Let me look. 8-30-2019, that's what it would</p> <p>5 state.</p> <p>6 Q. Right. Then if we go to the next page, page 38</p> <p>7 of the PDF, all the samples there are redacted, but you</p> <p>8 can see on that right margin, again, there's two dates,</p> <p>9 the 8-30-2019 continues down. And, I don't know, about</p> <p>10 ten samples down there's another line, and then a</p> <p>11 9-5-2019 appears for the samples underneath that, right?</p> <p>12 A. Correct.</p> <p>13 Q. Okay. So then if we turn to the next page,</p> <p>14 page 39 of the PDF, and we have three samples numbered</p> <p>15 NB19-645, 646, and 647, right?</p> <p>16 A. That's correct.</p> <p>17 Q. And those three samples appear to have been</p> <p>18 prepared on September 5th, 2019, right?</p> <p>19 A. Oh, I see. He wrote the "9" upside down.</p> <p>20 That's correct.</p> <p>21 Q. And then if we turn to page 50 of the PDF, it's</p> <p>22 a sheet labeled "Edit TEM NOB blank result."</p> <p>23 Are you with me?</p> <p>24 A. I'm getting there. Let's see. Page 50, yeah,</p> <p>25 yes.</p>	<p>1 Q. All right. And so NB19-645 is one of those</p> <p>2 blanks that was prepared on September 5th, right?</p> <p>3 A. Yes.</p> <p>4 Q. It was analyzed on September 18th, right?</p> <p>5 A. That's correct.</p> <p>6 Q. Okay. And page 51 of the PDF, it's the second</p> <p>7 blank, blank No. NB19-646. That was also prepared on</p> <p>8 September, 5th right?</p> <p>9 A. Correct.</p> <p>10 Q. And it was analyzed on September 18th, right?</p> <p>11 A. Correct.</p> <p>12 Q. And then we've got sample NB19-647 on page 52</p> <p>13 of the PDF. That's the third blank that was prepared on</p> <p>14 September 5th, right?</p> <p>15 A. Yes.</p> <p>16 Q. And that's analyzed on September 18th, right?</p> <p>17 A. That's correct.</p> <p>18 Q. Okay. So the three blanks here were prepared</p> <p>19 on September 5th and analyzed on September 18th, right?</p> <p>20 A. Correct.</p> <p>21 Q. And if we jump back up to page 37, the three</p> <p>22 aliquots of Sample B58 were prepared on August 30th,</p> <p>23 right?</p> <p>24 A. Just give me a second.</p> <p>25 That's correct.</p>
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<p>1 Q. All right. Put that to the side.</p> <p>2 And so AMA identified trace levels of</p> <p>3 chrysotile by TEM without separation in two of those</p> <p>4 three aliquots, right?</p> <p>5 A. That's correct.</p> <p>6 Q. And as we talked about before, your laboratory</p> <p>7 has not replicated those results using TEM without</p> <p>8 concentration to identify the presence of chrysotile in</p> <p>9 Chinese source Johnson's Baby Powder containers,</p> <p>10 correct?</p> <p>11 A. That's correct.</p> <p>12 Q. Okay. Let's talk about a little bit more about</p> <p>13 the PLM chrysotile analyses. So in some of your more</p> <p>14 recent reports you have been citing, it looks like</p> <p>15 McCrone and what's his name Shu-Chun Su?</p> <p>16 A. Dr. Su.</p> <p>17 MR. HYNES: Yeah. So it's -- I'll spell it for</p> <p>18 the court reporter. It's S-H-U, hyphen, C-H-U-N; last</p> <p>19 name is Su, S-U.</p> <p>20 BY MR. HYNES:</p> <p>21 Q. And, Dr. Longo, are you familiar with Dr. Su?</p> <p>22 A. I've met him. I mean, he was an auditor and</p> <p>23 he's very well respected, and I'm sure every lab in the</p> <p>24 country has the Su, you know, the Su tables for both PLM</p> <p>25 and TEM like we do.</p>	<p>1 Q. So he's a well respected sort of expert on PLM</p> <p>2 methods and analysis, sort of what his background is?</p> <p>3 A. Yeah, I agree.</p> <p>4 Q. Okay. And do you have the 2003 paper that you</p> <p>5 cite available to you?</p> <p>6 A. I do.</p> <p>7 Q. So I guess let's look at that and your</p> <p>8 discussion, if we can use the Exhibit No. 28, where you</p> <p>9 discussed the Su information here.</p> <p>10 So if we're looking at your second supplement</p> <p>11 to the Bentley report from September 23rd, which is</p> <p>12 Exhibit 28 here, you discuss a little bit about this</p> <p>13 article on page 14 of that report, right?</p> <p>14 A. That's correct.</p> <p>15 Q. And say --</p> <p>16 A. That's actually --</p> <p>17 Q. Go ahead.</p> <p>18 A. That's on page 13?</p> <p>19 Q. Starts on 13.</p> <p>20 A. Oh right.</p> <p>21 Q. Yeah, and then it goes down and then at the</p> <p>22 very top it's page 14, you have sort of a full paragraph</p> <p>23 on the particular article, right?</p> <p>24 A. Yes.</p> <p>25 Q. So we were talking before, and I guess we can</p>

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1 SIGNATURE OF DEPONENT	1 REPORTER'S CERTIFICATE
2	2
3 I, the undersigned, WILLIAM E. LONGO, Ph.D, do	3 I, JANICE L. BELCHER, do hereby certify:
4 hereby certify that I have read the foregoing deposition	4 That WILLIAM E. LONGO, Ph.D, in the foregoing
5 and find it to be a true and accurate transcription of	5 deposition named, was present and by me sworn as a
6 my testimony, with the following corrections, if any:	6 witness in the above-entitled action at the time therein
7	7 specified;
8	8 That said deposition was taken before me at said
9	9 time, and was taken down in shorthand by me, a
10	10 Certified Shorthand Reporter of the State of California,
11	11 and was thereafter transcribed into typewriting, and
12	12 that the foregoing transcript constitutes a full, true
13	13 and correct report of said deposition and of the
14	14 proceedings that took place;
15	15 IN WITNESS WHEREOF, I have hereunder subscribed my
16	16 hand this 5th day of October, 2020.
17	17
18	18
19	19
20	20
21	21
22	22
23	23 <%12163,Signature%>
24	24 JANICE L. BELCHER, CSR No. 12342
25 WILLIAM E. LONGO, Ph.D, Date	25 State of California